

REMARKS

In response to the final Office Action dated October 15, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 30-32 are pending in this application, with independent claim 32 being newly presented. Claims 1-29 have been, or previously were, canceled without prejudice or disclaimer.

Rejection of Claims under § 112

The Office rejects claims 19-31 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 19-29, though, have been canceled without prejudice or disclaimer, so the rejection of these claims is moot. Moreover, independent claim 30 has been amended and no longer recites the rejected features, and claim 31 depends from independent claim 30. The rejection is thus moot.

Rejection of Claims 19-23 & 25-31 under § 103 (a)

Claims 19-23 and 25-31 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2005/0262542 to DeWeese *et al.* in view of U.S. Patent 5,548,346 to Mimura *et al.* and further in view of U.S. Patent 5,671,267 to August, *et al.*

First, claims 19-23 and 25-29 have been canceled without prejudice or disclaimer, so the rejection of these claims is moot.

Remaining claims 30-31 are not obvious over the combined teaching of *DeWeese*, *Mimura*, and *August*. These claims recite, or incorporate, features that are not taught or suggested by the combined teaching of *DeWeese*, *Mimura*, and *August*. Independent claim 30, for example, recites “*retrieving a visual representation from the memory that corresponds to a*

sender of a communication,” “processing a callout bubble that places text of the communication within the callout bubble,” and “processing for display the visual representation of the sender and the callout bubble comprising the text of the sender’s communication.” Support for these features may be found at least at paragraph [0048] and at FIG. 7. Dependent claim 31 incorporates these same features.

DeWeese, Mimura, and August cannot obviate all these features. *DeWeese* describes a television chat system in which set top boxes may communicate with a television facility. See U.S. Patent Application Publication 2005/0262542 to *DeWeese et al.* (Nov. 24, 2005) at paragraphs [0014], [0055], [0056], and [0059]. Real time audio communications may be exchanged during a television program. See *id.* at paragraphs [0011], [0015], [0071], and [0101]. These real time audio communications may be spoken into a microphone and sent to chat participants. See *id.* at paragraph [0105]. If bandwidth permits, the real time communications may have video content. See *id.* at paragraph [0015]. *Mimura* discloses a processor that analyzes a video signal and correspondingly processes an audio signal. See U.S. Patent 5,548,346 to *Mimura et al.* at column 14, lines 21-54. *August* teaches a video receiver that mutes an audio signal when an incoming call is received. See U.S. Patent 5,671,267 to *August, et al.* at column 2, lines 58-64.

Still, though, claims 30 and 31 are not obvious in view of the combined teaching of *DeWeese, Mimura, and August*. The combined teaching of *DeWeese, Mimura, and August* remains silent to all the features of independent claim 30, and dependent claim 31 incorporates these same features. One of ordinary skill in the art, then, would not think that claims 30 and 31 are obvious over *DeWeese, Mimura, and August*. Claims 30-31, then, cannot be obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claim 24 under § 103 (a)

Claim 24 was rejected under 35 U.S.C. § 103 (a) as being obvious over *DeWeese, Mimura, and August* and further in view of U.S. Patent 5,825,407 to *Crowe, et al.* Claim 24, however, has been canceled, so this rejection is moot.


New Independent Claim 32

This response presents new independent claim 32. This new claim presents similar features as pending independent claim 30. New independent claim 32, then, likewise distinguishes over *DeWeese*, *Mimura*, *August*, and/or *Crowe*.

No excess claim fee is believed due. Because new independent claim 32 replaces canceled independent claim 19, no excess claim fee is believed due.

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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